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8 Attorneys for Plaintiffs Colony Capital, LLC
9 and Colony Investors IV, L.P.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 COLONY CAPITAL, LLC, a
13 Delaware limited liability company,
14 and COLONY INVESTORS IV,
L.P., a Delaware limited partnership,

15 Plaintiffs,

16 v.

17 THE NATIONAL RETIREMENT
18 FUND, and DOES 1 through 10,
inclusive,

19 Defendants.

Case No. 2:11-cv-07235 R (AGRx)

PROOF OF SERVICE

NOTICE OF MOTION,
SUPPORTINMEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION
PENDING DECLARATORY RELIEF
ACTION, DECLARATIONS OF
RICHARD WELCH AND DANIEL M.
PETROCELLI, AND [PROPOSED]
ORDER FILED CONCURRENTLY
HEREWITH

Hearing Date: October 3, 2011
Time: 10:00 a.m.
Courtroom: 8

Honorable Manuel L. Real

Attorney or Party without Attorney: DAVID MARROSO, Bar #211655 O'MELVENY & MYERS LLP 1999 AVENUE OF THE STARS 7TH FLOOR LOS ANGELES, CA 90067 Telephone No: (310)553-6700 FAX No: (310)246-6779				For Court Use Only	
Attorney for: Plaintiff					
Ref. No. or File No.: 1000334					
Insert name of Court, and Judicial District and Branch Court: United States District Court, Central District Of California					
Plaintiff: COLONY CAPITAL, LLC, ETC. Defendant: THE NATIONAL RETIREMENT FUND					
PROOF OF SERVICE DELIVERY		Hearing Date:	Time:	Dept/Div:	Case Number: 2:11-CV-07235 R (AGRX)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the Notice Of Motion For Preliminary Injunction Pending Declaratory Relief Action; Memorandum Of Points And Authorities In Support Of Motion For Preliminary Injunction Pending Declaratory Relief Action; Declaration Of Daniel M. Petrocelli In Support Of Motion For Preliminary Injunction Pending Declaratory Relief Action; Declaration Of Richard Welch In Support Of Motion For Preliminary Injunction Pending Declaratory Relief Action; [Proposed] Order Granting Motion For Preliminary Injunction Pending Declaratory Relief Action; Proof Of Service Re: Notice Of Order

3. a. Party served: NATIONAL RETIREMENT FUND C/O ALICARE, INC.
 b. Person served: MARK SCHWARTZ, AUTHORIZED TO ACCEPT SERVICE.

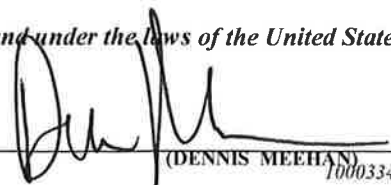
4. Address where the party was served: 333 WESTCHESTER AVENUE
 WHITE PLAINS, NY 10604

5. I served the party:
 a. by **personal service**. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party on: Fri., Sep. 02, 2011 at: 3:20PM, to the person(s) indicated in the manner provided in 1011 CCP.
 MARK SCHWARTZ, AUTHORIZED TO ACCEPT SERVICE.

(1) **(Business)** Person of suitable age and discretion. I informed him or her of the general nature of the papers.

7. **Person Who Served Papers:** Recoverable Cost Per CCP 1033.5(a)(4)(B)
 a. DENNIS MEEHAN
 b. **SERVICE PROVIDED FOR:**
 NATIONWIDE LEGAL, LLC (LA6771)
 1609 JAMES M WOOD BLVD.
 LOS ANGELES, CA 90015
 c. (213) 249-9999
 d. **The Fee for Service was:**
 e. I am: not a registered California process server

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.
 Date: Tue, Sep. 06, 2011


 (DENNIS MEEHAN)

Caires Constable Services
118 Abbotts Crossing Rd
Coventry, RI. 02816
401-821-6321
CairesMA@yahoo.com

Affidavit of Service

Case# 2:11-cv-07235 R (AGRx)

Colony Capital, LLC, a Delaware limited Liability company, and Colony Investors IV, L.P., a Delaware limited partnership

vs.

The National Retirement Fund, and Does 1 through 10, inclusive,

I, Michael Caires being duly sworn,, depose and say that on the 2nd of September, 2011 at 15:55pm., executed service by delivering a true copy of a Declarations and motions with exhibits in accordance with state statutes in the manner marked below:

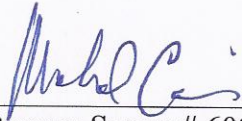
- ☐ Individual Service: Served the within-named person
- ☒ Substitute Service: to an agent for service Richard Rust
- ☐ Posted Service:
- ☐ Non Service for reasons listed below.

Comments Served Mr. Richard Rust on behalf of The National Retirement Fund, locate at 6 Blackstone Valley Place, Ste. 302 in Lincoln RI. 02865. Mr. Rust stated that he is able to accept on behalf of the company. Mr. Rust is described as a 62 Year old Cauc. male 6'1"tall, 200lbs., with blue eyes and salt and pepper hair.

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the
2nd day of September, 2011, by the affiant
who is personally known to me

Shirley Caires
Notary#47352 Exp 12/11/12



Process Server # 6007
Appointed in accordance with State Statues